

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

FILED
JAMES J. WALDRON

MAR - 8 2010

U.S. BANKRUPTCY COURT
NEWARK, N.J.
BY [Signature] DEPUTY

In Re:

DAVID KOBRYN AND NICOLE KOBRYN,

Debtors,

Case No.: 09-36163 MS

Hearing Date: 3/29/10 @ 10

DAVID KOBRYN AND NICOLE KOBRYN,
Plaintiff(s)

v.

TAYLOR, BEAN AND WHITAKER MORTGAGE
CORPORATION,

Defendant(s)

Adv. No.: 09-2893 MS

Judge: Morris Stern

**ORDER TO SHOW CAUSE WHY ADVERSARY PROCEEDING
SHOULD NOT BE DISMISSED BECAUSE DEFENDANT IS IN BANKRUPTCY**

The relief set forth on the following page, numbered two (2) is hereby **ORDERED**.

3/8/10

[Signature]

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Debtor: Kobryn

Case No.: 09-36163 (Adv. Pro. No. 09-2893)

Caption of Order: Order to Show Cause Why Adversary Proceeding Should Not be Dismissed Because Defendant is in Bankruptcy

This matter having come before the United States Bankruptcy Court for the District of New Jersey, the Honorable Morris Stern, on the Court's own motion, and it appearing from the record that on October 1, 2009 David and Nicole Kobryn ("the debtors"), through counsel, Shmuel Klein, Esq., filed a voluntary petition in bankruptcy under Chapter 7; and that on December 10, 2009 the debtors filed the captioned adversary proceeding against Taylor, Bean and Whitaker Mortgage Corp. ("the defendant") for relief under claims alleging breach of contract, negligence, and violation of the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601 *et seq.*; and it further appearing that the defendant filed a voluntary petition in bankruptcy under Chapter 11 on August 24, 2009 the United States Bankruptcy Court for the Middle District of Florida (Jacksonville), case number 09-07047 (JAF) and for good cause having been shown, it is on the 5th day of March 2010

ORDERED that the debtors shall show cause before the Honorable Morris Stern, United States Bankruptcy Court for the District of New Jersey, 50 Walnut Street, Newark, New Jersey, Courtroom 3A, on **Monday, March 29, 2010 at 10 a.m.** why this adversary proceeding should not be dismissed without prejudice; and its is further

ORDERED that any responses to this Order shall be filed and served by Monday March 22, 2010 at 4 p.m. and that appearances shall be required to prosecute responses to this Order.

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Debtor: Kobryn
Case No. 09-36163 (Adv. Pro. No. 09-2893)
Caption of Order: Order to Show Cause Why Adversary Proceeding Should Not Be
Dismissed Because Defendant is in Bankruptcy

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on March 8, 2010, a copy of the Order to Show Cause
Why Adversary Proceeding Should Not Be Dismissed Because Defendant is in Bankruptcy
was mailed to each of the following:

Shmuel Klein, Esq.
113 Cedarhill Avenue
Mahwah, NJ 07430
Attorney for Plaintiffs, David Kobryn and Nicole Kobryn

Taylor, Bean and Whitaker Mortgage Corp.
1417 North Magnolia Avenue
Ocala, FL 34475-9078

-and-

315 N.E. 14th Street
Ocala, FL 34470
Defendant Pro Se



MARGARET COHEN

Judicial Assistant to Hon. Morris Stern, U.S.B.J.

Dated: March 8, 2010